

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Daniel E. Hall, Plaintiff,  
v.  
Twitter Inc., Defendant.

**Case No. 1:20-cv-536-SE**

**PLAINTIFF'S MOTION TO TAKE JUDICIAL NOTICE**

Pursuant to Fed. R. of Evid. 201, and in connection with, and relevant to, his Doc. 100 Motion to Strike, Doc. 101 Motion to Default, and Doc. 102 Motion for Default Judgment, Daniel E. Hall, "Plaintiff" hereby move that this Court take judicial notice of the District Court for the District of New Hampshire's court records and information contained within the New Hampshire Law Library.

**FACTS CONCERNING THE MATERIAL TO BE NOTICED AND ITS RELEVANCE**

**TAB A- RYAN MRAZIK SUBMITTALS TO THE COURT**

1. That Exhibits 1-66 were submitted to the District Court by Ryan Mrazik of Perkins Coie LLP, Counsel for Twitter, Inc..

Exhibit 001- Case 1:17-cv-00733-PB Document 22 Filed 04/26/18 Page 2 of 3

Exhibit 002- Case 1:17-cv-00733-PB Document 23 Filed 04/26/18 Page 2 of 2

Exhibit 003- Case 1:17-cv-00749-JD Document 8 Filed 04/30/18 Page 3 of 3

Exhibit 004- Case 1:17-cv-00749-JD Document 9 Filed 04/30/18 Page 2 of 2

Exhibit 005- Case 1:17-cv-00749-JD Document 22 Filed 05/15/18 Page 2 of 2

Exhibit 006- Case 1:18-cv-00203-PB Document 15 Filed 05/03/18 Page 3 of 3

Exhibit 007- Case: 1:18-cv-00203-PB Document 16 Filed 05/03/18 Page 2 of 2

Exhibit 008- Case 1:18-cv-00203-PB Document 17 Filed 05/03/18 Page 2 of 2

Exhibit 009- Case 1:18-cv-00203-PB Document 24 Filed 05/08/18 Page 2 of 2

Exhibit 010- Case 1:18-CV -00203--PB Document 24-1 Filed 05/08/18 Page 14 of 14

Exhibit 011- Case 1:18-cv-00203-PB Document 25 Filed 05/08/18 Page 2 of 2

Exhibit 012- Case 1:18-cv-00203-PB Document 25-1 Filed 05/08/18 Page 23 of 24

Exhibit 013- Case 1:18-cv-00203-PB Document 26 Filed 05/08/18 Page 2 of 2

Exhibit 014- Case 1:18-cv-00203-PB Document 27 Filed 05/08/18 Page 7 of 7

Exhibit 015- Case 1:17-cv-00733-PB Document 36 Filed 05/10/18 Page 5 of 5

Exhibit 016- Case 1:17-cv-00749-JD Document 22 Filed 05/15/18 Page 2 of 2

Exhibit 017- Case 1:17-cv-00749-JD Document 22-1 Filed 05/15/18 Page 17 of 17

Exhibit 018- Case 1:17-cv-00733-PB Document 56 Filed 05/15/18 Page 2 of 2

Exhibit 019- Case 1:17-cv-00733-PB Document 56-1 Filed 05/15/18 Page 22 of 23

Exhibit 020- Case 1:17-cv-00733-PB Document 57 Filed 05/15/18 Page 12 of 12

Exhibit 021- Case 1:17-cv-00749-JD Document 23 Filed 05/16/18 Page 2 of 2

Exhibit 022- Case 1:17-cv-00749-JD Document 24 Filed 05/16/18 Page 2 of 2

Exhibit 023- Case 1:17-cv-00733-PB Document 58 Filed 05/16/18 Page 2 of 2

Exhibit 024- Case 1:17-cv-00733-PB Document 59 Filed 05/16/18 Page 2 of 2

Exhibit 025- Case 1:17-cv-00733-PB Document 62 Filed 05/17/18 Page 5 of 6

Exhibit 026- Case 1:18-cv-00203-PB Document 49 Filed 05/17/18 Page 6 of 7

Exhibit 027- Case 1:18-cv-00203-PB Document 55 Filed 05/22/18 Page 6 of 7

Exhibit 028- Case 1:18-cv-00203-PB Document 60 Filed 05/24/18 Page 7 of 7

Exhibit 029- Case 1:17-cv-00733-PB Document 74 Filed 05/24/18 Page 9 of 9

Exhibit 030- Case 1:17-cv-00733-PB Document 75 Filed 05/24/18 Page 9 of 9

Exhibit 031- Case 1:18-cv-00203-PB Document 66 Filed 05/25/18 Page 6 of 6

Exhibit 032- Case 1:18-cv-00203-PB Document 67 Filed 05/25/18 Page 6 of 6

Exhibit 033- Case 1:17-cv-00733-PB Document 80 Filed 05/25/18 Page 6 of 6

Exhibit 034- Case 1:17-cv-00733-PB Document 81 Filed 05/29/18 Page 7 of 7

Exhibit 035- Case 1:17-cv-00733-PB Document 82 Filed 05/29/18 Page 3 of 4

Exhibit 036- Case 1:17-cv-00733-PB Document 83 Filed 05/29/18 Page 4 of 4

Exhibit 037- Case 1:17-cv-00733-PB Document 89 Filed 06/01/18 Page 7 of 7

Exhibit 038- Case 1:17-cv-00733-PB Document 90 Filed 06/01/18 Page 5 of 5

Exhibit 039- Case 1:17-cv-00733-PB Document 91 Filed 06/01/18 Page 6 of 6

Exhibit 040- Case 1:18-cv-00203-PB Document 73 Filed 06/01/18 Page 7 of 7

Exhibit 041- Case 1:18-cv-00203-PB Document 74 Filed 06/01/18 Page 5 of 5

Exhibit 042- Case 1:18-cv-00203-PB Document 75 Filed 06/01/18 Page 6 of 6

Exhibit 043- Case 1:18-cv-00203-PB Document 76 Filed 06/06/18 Page 3 of 4

Exhibit 044- Case 1:18-cv-00203-PB Document 77 Filed 06/06/18 Page 5 of 5

Exhibit 045- Case 1:18-cv-00203-PB Document 78 Filed 06/06/18 Page 2 of 2

Exhibit 046- Case 1:18-cv-00203-PB Document 78-2 Filed 06/06/18 Page 22 of 23

Exhibit 047- Case 1:17-cv-00733-PB Document 92 Filed 06/06/18 Page 3 of 3

Exhibit 048- Case 1:17-cv-00733-PB Document 93 Filed 06/06/18 Page 4 of 5

Exhibit 049- Case 1:17-cv-00733-PB Document 95 Filed 06/06/18 Page 2 of 2

Exhibit 050- Case 1:17-cv-00733-PB Document 95-2 Filed 06/06/18 Page 23 of 24

Exhibit 051- Case 1:17-cv-00733-PB Document 97 Filed 06/12/18 Page 2 of 3

Exhibit 052- Case 1:17-cv-00733-PB Document 97-2 Filed 06/12/18 Page 8 of 9

Exhibit 053- Case 1:18-cv-00203-PB Document 80 Filed 06/12/18 Page 2 of 3

Exhibit 054- Case 1:18-cv-00203-PB Document 80-2 Filed 06/12/18 Page 7 of 8

Exhibit 055- Case 1:18-cv-00203-PB Document 87 Filed 06/15/18 Page 3 of 3

Exhibit 056- Case 1:18-cv-00203-PB Document 88 Filed 06/15/18 Page 3 of 3

Exhibit 057- Case 1:17-cv-00733-PB Document 103 Filed 06/15/18 Page 3 of 3

Exhibit 058- Case 1:17-cv-00733-PB Document 104 Filed 06/15/18 Page 3 of 3

Exhibit 059- Case 1:18-cv-00203-PB Document 93 Filed 06/29/18 Page 2 of 2

Exhibit 060- Case 1:18-cv-00203-PB Document 94 Filed 06/29/18 Page 2 of 3

Exhibit 061- Case 1:18-cv-00203-PB Document 95 Filed 06/29/18 Page 2 of 2

Exhibit 062- Case 1:18-cv-00203-PB Document 99 Filed 07 /16/18 Page 4 of 4

Exhibit 063- Case 1:17-cv-00733-PB Document 109 Filed 06/29/18 Page 2 of 2

Exhibit 064- Case 1:17-cv-00733-PB Document 110 Filed 06/29/18 Page 2 of 2

Exhibit 065- Case 1:17-cv-00733-PB Document 111 Filed 06/29/18 Page 2 of 2

Exhibit 066- Case 1:17-cv-00733-PB Document 116 Filed 07/16/18 Page 4 of 4

**TAB B- SCHWARTZ SUBMITTALS TO THE COURT**

2. That Exhibits 067 and 068 were submitted to the District Court by Julie E. Schwartz of Perkins Coie LLP, Counsel for Twitter, Inc..

Exhibit 067- Case 1:20-cv-00536-SM Document 3 Filed 06/01/20 Page 2 of 2

Exhibit 068- Case 1:20-cv-00536-SM Document 3-1 Filed 06/01/20 Page 26 of 26

**TAB C- CASE DOCKETS IN WHICH ILLEGAL POLICY WAS UTILIZED**

3. In each of these dockets, Ryan Mrazik did not apply for Pro Hac Vice.

Exhibit 069- CIVIL DOCKET FOR CASE #: 1-17-cv-00749-JD

Exhibit 070- CIVIL DOCKET FOR CASE #: 1-18-cv-00203-PB

Exhibit 071- CIVIL DOCKET FOR CASE #: 1-17-cv-00733-PB

4. In this docket, Julie Schwartz did not apply for Pro Hac Vice prior to June 1, 2020.

Exhibit 072- CIVIL DOCKET FOR CASE #: 1:20-cv-00536-SE

**TAB D-RULES, LAWS, PRECEDENTS**

5. N.H. RSA 311:7 prohibits an attorney from practicing in a Court unless he has been admitted by the court and taken an oath prescribed in RSA 311.6.

Exhibit 073- N.H. RSA 311:7

6. Professional Conduct Rule 5.5 requires an attorney to obtain authority from the Court before appearing before that court.

Exhibit 074- Professional Conduct Rule 5.5

7. Local Rule 83.1 requires that an attorney must apply for admission to the bar, be accepted by the bar, in order to be a member of the bar of the District Court. Local Rule 83.2 allows an attorney to appear and practice before the court providing they motion the court and upon acceptance of that motion.

Exhibit 075- Local Rules 83.1 and 83.2

8. Local Rule 83.7 allows an attorney to represent a litigant in a limited capacity upon a motion of limited representation and upon the granting of that motion.

Exhibit 076- Local Rule 83.7

9. 28. U.S.C. § 2072 empowers only the Supreme Court to proscribe general rules of practice and procedures.

Exhibit 077- AUTHORITY FOR PROMULGATION OF RULES

10. 28. U.S.C. § 2072 empowers only the Supreme Court to proscribe general rules of practice and procedures.

Exhibit 078- Prescribe Rules Only by the Supreme Court

11. Federal Rule 55(a) allows the default of a party that has failed to plead or otherwise defend. Federal Rule 55(b) requires that any party that appears must be noticed of any default judgment 7 days prior to any hearing.

Exhibit 079- Rule 55. Default; Default Judgment

12. The Key Bank ruling reversed and vacated a default judgment.

Exhibit 080- Key Bank

13. The Sun Bank ruling reversed a default judgment and remanded for further proceedings.

Exhibit 081- Sun Bank

**TAB E- TWITTER'S MISREPRESENTATIONS AND PARTICIPATION IN FRAUD**  
**UPON THE COURT**

14. Attorney Eck's e-mail confirms that Attorney Schwartz did not apply for pro hac vice admission prior to her June 1, 2020 submittal to the Court.

Exhibit 082- Eck E-Mail, Doc. 7-3

15. Attorney Schwartz application confirms that Attorney Schwartz did not apply for pro hac vice admission prior to her June 1, 2020 submittal to the Court.

Exhibit 083- Attorney Schwartz pro hac vice application to the Court

16. Twitter's Doc. 17-1, Doc. 18-1, Doc. 43, Doc. 53, Doc. 106, Doc. 107, and Doc. 108, misrepresent to the Court that informal contacts were sufficient to prevent a default.

Exhibit 084- Doc. 17-1 Key Bank Misrepresentation

Exhibit 085- Doc. 18-1 Key Bank Misrepresentation

Exhibit 087- Doc. 43 Key Bank- Sun Bank Misrepresentations

Exhibit 089- Doc. 53 Key Bank- Sun Bank Misrepresentations

Exhibit 091- Doc. 106 Key Bank- Misrepresentation

Exhibit 092- Doc. 107 Key Bank- Misrepresentation

Exhibit 093- Doc. 108 Key Bank- Misrepresentation

17. Twitters Doc. 22-1 and Doc. 44 misrepresents to the court that Attorney Schwartz did not appear before the Court.

Exhibit 086- Doc. 22-1 Appearance Misrepresentation

Exhibit 088- Doc. 44 Appearance Misrepresentation

18. Twitters Doc. 93 acknowledges ex parte communications with the Appeals Court.

Exhibit 090- Doc. 93 Ex-Parte Communication

### **LEGAL ARGUMENT**

19. Pursuant to Federal Rule of Evidence 201(c)(2), judicial notice is mandatory as the facts offered for notice satisfy the indisputability requirements of Rule 201(b) in that they are generally known within this Court's territory and jurisdiction, and can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned,[1] and are relevant to Plaintiff's Doc. 100 Motion to Strike, Doc. 101 Motion to Default, and Doc. 102 Motion for Default Judgment "Motions".

20. The adjudicative and nature of facts sought here are those to which the law will be applied in the process of adjudication Plaintiff's Motions. They are the facts that normally go to the jury in a jury case. They also relate to the parties and their activities which are at the core of Plaintiff's Motions, that Twitter misrepresented key facts, participated in Judge Johnstone's Illegal Policy, and in effect has no true defense for its actions. See 2 Administrative Law Treatise 353. The First Circuit Court of Appeals has applied Rule 403 to a judicially noticed fact and stated that "[i]t is well-accepted that federal courts may take judicial notice of proceedings in other courts if those proceedings have relevance to the matters at hand." *Kowalski v. Gagne*, 914 F.2d 299, 305–06 (1st Cir. 1990). The court has also taken

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[1]See *GT SOLAR INCORPORATED v. GOI*, Civil No. 08-cv-249-JL, Opinion No. 2009 DNH 156, 50 (D.N.H. Oct. 17, 2009) quoting *Rivera-Torres v. Ortiz Velez*, 341 F.3d 86, 100-01 (1st Cir. 2003). In re L&R Dev. & Inv. Corp. CASE NO. 16-08792 BKT (Bankr. D.P.R. Sep. 16, 2019) (judicial notice shall be taken by the court).

judicial notice of a fact "irrelevant to ... the merits of th[e] case.". See *Kassel v. Gannett Co., Inc.*, F.2d 935, 951 n.16 (1st Cir. 1989). See *United States v. Carrasco-Castillo*, 427 F. Supp. 3d 266, 271 (D.P.R. 2019).

21. Consent for this motion sought and no response was forthcoming.

22. Plaintiff does not file a memorandum of law herewith as all authority in support of this motion is cited herein.

Wherefore, for the foregoing reasons and because each of these facts are generally known within this Court's territory and jurisdiction, and can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned, and are relevant to the resolution of Plaintiff's Doc. 100 Motion to Strike, Doc. 101 Motion to Default, and Doc. 102 Motion for Default Judgment Motions, Plaintiff pray this Court Judicially Notice each fact or document presented here within.

Respectfully,

/s/ Daniel E. Hall  
Aka, Sensa Verogna  
SensaVerogna@gmail.com

#### CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November 2022, the foregoing document was made upon the Defendant, through its attorneys of record to Jonathan M. Eck jeck@orr-reno.com and Julie E. Schwartz, Esq., JSchwartz@perkinscoie.com and Indraneel Sur, Lead Attorney. U.S. DOJ, indraneel.sur@usdoj.gov